

St. John's Law Review

Volume 9
Number 1 *Volume 9, December 1934, Number 1*

Article 56

June 2014

Handbook of Criminal Law (Book Review)

Edward J. O'Toole

Follow this and additional works at: <https://scholarship.law.stjohns.edu/lawreview>

Recommended Citation

O'Toole, Edward J. (1934) "Handbook of Criminal Law (Book Review)," *St. John's Law Review*: Vol. 9 : No. 1
, Article 56.

Available at: <https://scholarship.law.stjohns.edu/lawreview/vol9/iss1/56>

This Book Review is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in St. John's Law Review by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact selbyc@stjohns.edu.

This third edition of Woodward's Cases on Sales contains no radical departures from the second edition either in the scope of the subject matter or in the general arrangement of the material. About one hundred cases appearing in the second edition have been reduced to the form of footnotes or problem cases, while some one hundred and fifty new cases have been inserted without any great increase in the size of the book. This has been attained partly through the omission or abbreviation of certain cases which dealt at considerable length with states of fact now substantially, if not wholly, obsolete in the business world.

One distinctly new feature not found in the earlier editions has been added. An attempt has been made to relate the legal material definitely to the business facts of current marketing transactions. To this end, occasional extracts from certain business literature, or briefer references thereto, have been from time to time included in the footnotes. There is included in the appendix, not only a group of typical business documents frequently encountered in current sales transactions, but also a few samples of illustrative practical cases and comments taken from the business side of marketing.

The new cases added by Professor Vold contain factual situations designed to acquaint the student with current marketing problems. Together with the valuable footnotes on present-day business methods, the students will gain a better appreciation of the background in which judges seek to bring law into accord with business customs.

FREDERICK A. WHITNEY.

St. John's University School of Law.

HANDBOOK OF CRIMINAL LAW. By Justin Miller. St. Paul: West Publishing Co., 1934, pp. xxii, 649.

The method of treatment of legal topics which is followed in the "Hornbook Series" has long been a matter of common knowledge to the legal profession.¹ Its value, however, has seemed to depend more on the susceptibility of the stated topic to the treatment prescribed and on the individual scholarship of the author, than on the somewhat inflexible order of development that the "Series" has made standard. As a general rule, scholarship can neither be confined within the walls of a formula, nor otherwise limited in action. No better evidence of this can be submitted than the "Handbook of the Law of Trusts" by Professor Bogert. "Hornbook" in form it is, but, beyond that, it is unquestionably recognized as a masterly treatise in its specific field. Nevertheless, there will be instances where the shackles of method will be the undoing of the scholar as well as his topic.

¹"The special features of these books are as follows:

1. A succinct statement of leading principles in black letter type.
2. A more extended commentary, elucidating the principles.
3. Notes and authorities."

The book under review is suggested as typical of an instance where rigidity of form has well-nigh overpowered the master and unduly cramped his subject. Criminal law, in the first place, does not readily lend itself to handbook treatment, if the aim of the author is scholarly. To "succinctly state the leading principles" of a law which is wholly statutory in some jurisdictions and partially so in others, is to accomplish well-nigh the impossible. To give "a more extended commentary" in a field of law such as this must for lack of space, if for no other reason, degenerate into a statement of the conflicting principles and rules in the various jurisdictions. Naturally, little or no space can be devoted to a full expression of the author's views on the more complex aspects of the subject. Who is there who would be disinterested in the reaction of the learned author to the rule laid down in *People v. Koerber*² on the question of defendant's proof of intoxication in prosecutions for murder committed in the course of a robbery and the possible application of such rule where the felony involved is other than robbery? However, this case is merely cited³ in support of a general statement concerning the lessening of the degree of homicide by proof of intoxication of defendant. In like manner do many of the other intricate problems of the subject go undeveloped, if not unmentioned. To state "that the law is unsettled or uncertain, or that it is, in particular respects, inadequately developed"⁴ is merely the preface to a solution which we might well ask of the learned author.

Although the text is disappointing in the matters discussed, it is not without many valuable features. As an aid to the law student in attaining a perspective and to the practicing lawyer in his research, the book is highly recommended. The pertinent references to numerous articles appearing in law reviews as well as the copious citation of cases, illustrative of the principles stated, render it a source book of exceptional merit. For these reasons, in particular, this volume should and will find a place in the libraries of both law student and practicing attorney throughout the country.

EDWARD J. O'TOOLE.

St. John's University School of Law.

A HANDBOOK OF NRA. Second edition. Edited by Lewis Mayers. New York: Federal Codes, Inc., 1934, pp. xxiii, 842. With semi-monthly supplement service to December 31, 1934.

The National Industrial Recovery Act and the Agricultural Adjustment Act are the twin measures adopted by Congress early in the year 1933 for dealing effectively with the problems of the depression. As might have been anticipated, these enactments of Congress gave rise to a new body of law, and the present Handbook, which is already in its second edition and contains more than one thousand pages, is devoted to documenting NIRA and collecting authorities in an extremely convenient and workable manner.

² 244 N. Y. 147, 155 N. E. 79 (1926).

³ P. 139.

⁴ Preface, v.